

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

NEBRASKA DEPARTMENT
OF INSURANCE

NOV 4 2002

FILED

STATE OF NEBRASKA)
DEPARTMENT OF INSURANCE,)
)
PETITIONER,)
)
VS.)
)
TROY L. BURKEY)
)
RESPONDENT.)

CONSENT ORDER

CAUSE NO. A-1460

In order to resolve this matter, the Nebraska Department of Insurance ("Department"), by and through its attorney, Linda R. Sanchez-Masi, and Troy L. Burkey ("Respondent"), mutually stipulate and agree as follows:

JURISDICTION

1. The Department has jurisdiction over the subject matter and Respondent pursuant to Neb. Rev. Stat. §44-101.01, §44-4001, et seq. repealed as of September 1, 2001 and §44-4047 et seq., effective September 1, 2001.
2. Respondent is and was licensed as an insurance agent/producer under the laws of the Nebraska at all times material hereto. Respondent's registered address with the Department of Insurance is 2525 S. 17th Street, Lincoln, NE 68502.

STIPULATIONS OF FACT

1. The Department initiated these administrative proceedings by filing a petition styled State of Nebraska Department of Insurance vs. Troy L. Burkey, on August 7, 2002. A copy of the Petition was served upon Respondent at Respondent's address registered with the Department by certified mail, return receipt requested. An Amended Petition was filed on September _____, 2002, and served upon Respondent by mailing a copy to Respondent by certified mail, return receipt requested in care of his attorney, David E. Copple, at 2425 Taylor Avenue, P.O. Box 78, Norfolk, NE 68701.

2. The Amended Petition alleges that Respondent violated Neb. Rev. Stat. §44-4059(1)(f) and §44-4065, as a result of the following conduct:

a. Neb. Rev. Stat. §44-4059(1)(f):

i. On or about January 24, 2002, the United States of America filed a Three-Count Indictment against Respondent. Count I alleged a conspiracy; Count II alleged bank fraud, aiding and abetting; and Count III alleged false statement to a bank/aiding and abetting.

ii. A jury trial was held before Judge Warren K. Urbom, in the United States District Court for the District of Nebraska, Lincoln, Nebraska, commencing on or about July 8, 2002.

iii. On or about on or about July 17, 2002, the jury, in the case captioned *United States of America, Plaintiff v. Christopher Blue and Troy Burkey, Defendants*, Case No. 8:02CR5, found Respondent guilty on Count I – conspiracy, Count II – bank fraud/aiding and abetting, and Count III – false statement to a bank/aiding and abetting.

iv. The aforementioned Counts I, II, and III constitute felonies.

b. Neb. Rev. Stat. §44-4065:

Respondent did not report to the Director of the Nebraska Department of Insurance (“Director”) within thirty (30) days that he had been arraigned in the United States District Court for the District of Nebraska, Lincoln, Nebraska, nor did he provide the Director with any legal documents pertaining to such arraignment.

3. Respondent admits the allegations contained in the Amended Petition and restated in Paragraph 2. Respondent wishes to make known that he did not have knowledge of the requirements of Neb. Rev. Stat. §44-4065.

CONCLUSIONS OF LAW

Respondent’s conduct as alleged above constitutes violations of Neb. Rev. Stat. §44-4059(1)(f) and §44-4065.

CONSENT ORDER

It is therefore ordered by the Director of Insurance and agreed to by Respondent, Troy L. Burkey, that Respondent’s insurance producer’s license shall be revoked, that Respondent shall immediately surrender his insurance producer’s license to Beverly Creager, Licensing

Administrator of the Nebraska Department of Insurance, and that Respondent shall not reapply for an insurance agent's/producer's license for a period of three years from the date the Director signs this Consent Order. The Nebraska Department of Insurance shall retain jurisdiction of this matter for the purpose of enabling Respondent or the Department to make application for such further orders as may be necessary.

In witness of their intention to be bound by this Consent Order, each party has executed this document by subscribing his/her signature below.

Linda R. Sanchez-Masi

Linda R. Sanchez-Masi
Representative for Nebraska
941 "O" Street, Ste. 400
Lincoln, NE 68508
(402) 471-2201

11/04/02
Date

Troy L. Burkey
Respondent

10/1/02
Date

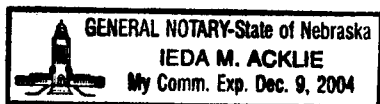
H. E. Copple
Attorney for Respondent

David E. Copple
2425 Taylor Avenue
P. O. Box 78
Norfolk, NE 68701

October 4, 2002
Date

State of Nebraska)
) ss.
County of Madison)

On this 1st day of ~~September~~ ^{OCTOBER}, 2002, Troy L. Burkey personally appeared before me and read this Consent Order, executed the same and acknowledged the same to be his voluntary act and deed.

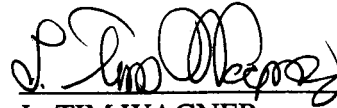


Ieda M. Acklie

Notary Public

I hereby certify that the foregoing Consent Order is adopted as the Final Order of the
Nebraska Department of Insurance in the matter of State of Nebraska Department of Insurance vs.
Troy L. Burkey, Cause No. A-1460.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE



L. TIM WAGNER
Director of Insurance

11/5/02
Date

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Consent Order was served upon Respondent by
mailing a copy to Respondent in care of his attorney, David C. Copple, at 2425 Taylor Avenue, P.O.

Box 78, Norfolk, NE 68701, by certified mail, return receipt requested, on this 4th day of

~~November~~
September, 2002.